

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

JENNIFER QUINN,  PLAINTIFF	§ § § §	
v.	§ §	CIVIL ACTION NO. 3:14-cv-114
PNC BANK NA, TRUSTEE FOR THE RENEE M. ZOLDAK TRUST, AND RENEE M. ZOLDAK TRUST,  DEFENDANTS	§ § § § §	JURY DEMANDED

**ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff Jennifer Quinn, by and through her undersigned attorney of record, and sues PNC Bank NA, Trustee for the Renee M. Zoldak Trust, and Renee M. Zoldak Trust (“Defendants”) and in support thereof would show unto this Honorable Court as follows:

1. Plaintiff brings this action against her former employers for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).

2. Plaintiff is an individual residing in Tarrant County, Texas.

3. Defendant PNC Bank NA is the Trustee for the Renee M. Zoldak Trust, and at all times during Plaintiff’s employment was an employer as defined by 29 U.S.C. §203(d). Defendant PNC Bank NA is a foreign entity doing business in Texas, but does not have a registered agent for service of process in Texas. Therefore, Defendant may be served pursuant to Texas’ Long-Arm Jurisdiction statutes, Texas Civil Practice and Remedies Code § 17.041 *et seq.*, by serving the Secretary of State as agent for service of

process. The Secretary of State shall then immediately mail a copy of the process to Defendant at its home address:

PNC Bank NA  
C/O Carol A. Sarnowski  
One PNC Plaza  
21<sup>st</sup> Floor  
249 Fifth Avenue  
Pittsburgh, Pennsylvania 15222

and

PNC Bank NA  
620 Liberty Ave.  
Pittsburgh, Pennsylvania 15222

4. Defendant Renee M. Zoldak Trust is a Trust administered by PNC Bank NA and at all times during Plaintiff's employment was an employer as defined by 29 U.S.C. §203(d). Defendant Renee M. Zoldak Trust is a foreign entity doing business in Texas, but does not have a registered agent for service of process in Texas. Therefore, Defendant may be served pursuant to Texas' Long-Arm Jurisdiction statutes, Texas Civil Practice and Remedies Code § 17.041 *et seq.*, by serving the Secretary of State as agent for service of process. The Secretary of State shall then immediately mail a copy of the process to Defendant at its home address:

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5. Jurisdiction is invoked pursuant to 28 U.S.C. §1331. This Court has jurisdiction over this matter as it involves a federal question based upon the Fair Labor Standards Act. At all times pertinent to this Complaint, Defendants were enterprises engaged in interstate commerce. At all times pertinent to this Complaint, Defendants regularly owned and operated a business or businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, Plaintiff was individually engaged in commerce.

6. This action lies in the United States District Court for the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1391(b), as the acts and occurrences giving rise to this Complaint transpired in this Judicial District.

7. Plaintiff worked for Defendants from October 2011 through November 2013. Plaintiff was employed by Defendants to assist Renee Zoldak in all aspects of her life, from watching her children to paying her bills to driving Ms. Zoldak to various appointments.

8. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of forty (40) hours (overtime hours).

9. During one or more weeks of Plaintiff's employment with Defendants wherein Plaintiff worked overtime hours, Defendants failed to pay Plaintiff one and one-half times her regular rate of pay for each overtime hour worked (overtime compensation). Instead, Plaintiff was paid straight time for all hours worked, whether such hours were above or below forty hours per week.

10. The acts described in the preceding paragraph violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in

excess of forty (40) per workweek. Defendants willfully violated Plaintiff's rights under the FLSA.

11. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

12. Plaintiff seeks and is entitled to an award of liquidated damages in an amount equal to her unpaid overtime pay pursuant to Section 216 of the Act.

13. Plaintiff also seeks compensation for expenses and costs of court that will be incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys' fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff Jennifer Quinn requests that:

1. The Court assume jurisdiction of this cause and that Defendants be cited to appear;
2. The Court award damages to Plaintiff as specified above with Defendants being found jointly and severally liable;
3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre-and post-judgment interest at the highest rates allowed. Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

/s/ Douglas B. Welmaker  
Douglas B. Welmaker  
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ATTORNEYS FOR PLAINTIFF